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THE
T R I A L
OF

Admiral BYNG,

At a COURT-MARTIAL, held on Board
his Majesty's Ship the *St. George*, in
Portsmouth Harbour,

FOR

An Enquiry into his Conduct, while he
commanded his Majesty's Fleet in the
Mediterranean, and particularly on the 20th
of May, 1756.

TOGETHER WITH

The ADMIRAL'S DEFENCE,

Taken down in *Short-Hand*.

~~Written down in Short-Hand~~

L O N D O N:

Printed for J. REASON, opposite Serjeant's Inn in
Fleet-street.

M.DCC.LVII.

Byng

THE

F. R. I. A. I.

OF

MINUTES

of the Court of Sessions
in the County of Middlesex
for the Year 1800

FOR
the purpose of the
Court of Sessions
in the County of Middlesex
for the Year 1800

THE ADMIRALTY DISTRICT

THIS IS TO BE

FOR THE
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T H E
T R Y A L
O F

Vice-Admiral *B R N G*,

Monday December 27, 1756.

P R E S E N T,

Vice-Admiral SMITH, President.

Rear-Admiral HOLBOURNE.

Rear-Admiral NORRIS.

Rear-Admiral BRODERICK.

Captain HOLMES.

Captain GEARY.

Captain BOYS.

Captain MOORE.

Captain SIMCOE.

Captain DOUGLAS.

Captain BENTLEY.

Captain KEPPEL. And

Captain DENNIS.

B

On

On *Tuesday* the 28th of *December*, 1756,



ADMIRAL BYNG was brought to the Bar by the Marshal, and the Commission, with all the Articles of Accusation exhibited against him, were read; after which he made the following Speech to the Court:

Gentlemen,

“ I think myself extremely happy in my present Situation, to have my Conduct enquired into by Gentlemen of your well-known Abilities, Integrity, and Candor; and, from thence I hope to answer for myself with Honour, and to demonstrate my Innocence of the Accusations exhibited against me.”

There was but very little Business done the first Day, but on *Wednesday* the 29th Rear-Admiral *West* was sworn and examined, who did not finish his Examination till *Thursday* the 30th, between Three and Four o’Clock in the Afternoon. His Examination was as follows: viz.

Court. Was any unnecessary Delay made either at *St. Helen’s* or *Gibraltar*?

Adm. West. No, there was not.

Court. What Distance do you imagine the *Ramillies* might be from the *Buckingham* at the

the Time of the Engagement with the *French* Fleet ?

Adm. West. I believe about Three Miles.

Court. Do you think the Admiral and the Rear could have come up to the Assistance of the Van, and come to as close an Engagement with the Enemy ?

Adm. West. I knew of no Impediment to the contrary ; but, I cannot presume to say there was no Impediment ; nor I would not be understood to mean there was none.

Court. How was the Wind and Weather ?

Adm. West. The Wind was very calm, and the Weather exceeding fine.

Court. Could you keep your lower Ports open ?

Adm. West. Yes, I could ; and I knew of but one Ship that could not, and that was the *Deptford*, who lowered her Ports occasionally.

Court. How many Men had you killed and wounded ?

Adm. West. Three killed and Seven wounded.

Court. What Damage did you receive in your Hull, Masts, Yards, and Rigging ?

Adm. West. For the Particulars of that I beg Leave to refer the Court to this written Account (presenting a Paper).

Court. What Condition was the Ship in, in regard to Men, the Morning of the Engagement, which was on the 20th of *May* ?

Adm. West. In very good Condition.

Court. Did you see any Fire from Admiral Byng's Ship during the Engagement?

Adm. West. When I was looking towards the *Intrepid*, which was in Distress a Stern of her, I saw some Smoke, which might very probably be from the Admiral's Ship, or some of his Division; but I was not able to discover at what Ship it was directed.

Court. On the 24th of *May*, the Day of the Council of War, was your Ship repaired, and in a proper Condition for a second Engagement?

Adm. West. Yes, before that.

Adm. Byng. Was it not in the Power of the Enemy to decline coming to a close Engagement, as the two Fleets were situated?

Adm. West. Yes, it was; but, as they lay to our Fleet, I apprehended they intended to fight.

Adm. Byng. Are you of Opinion that the Forces on Board the Fleet could have relieved *Minarca*?

Adm. West. I believe they could not.

Adm. Byng. Were not some of the Ships deficient in their Complement of Men?

Adm. West. Yes.

Adm. Byng. Were not some of the Ships out of Repair?

Adm. West. Yes.

Adm. Byng. Was not the Fleet deficient, in Point of Force, with the Enemy?

Adm. West. Yes.

Admiral

Admiral West's Examination being ended,

Lord BLAKENEY was sworn.

He told the Court what Time the *British* Fleet was discovered by the Garrison, and what Time it disappeared. The most material Questions that were asked him were as follow.

Court. How did you proceed when the *British* Fleet was discovered ?

Ld. Blakeney. Upon Sight of them I wrote a Letter to be carried off by Mr. *Boyd*, my Store-keeper, and Aid de Camp to Colonel Jefferys, to acquaint the Admiral with my Situation ; an exact Copy of which Letter I have in my Hand.

[*Ld. Blakeney* then presented the Paper to the Court, and desired it might be read ; but the Admiral objecting to it, as it was only a Copy, and not the Original, it was not read ; because Mr. *Boyd* was to be examined thereto, and could produce the Original.]

Adm. Byng, to *Ld. Blakeney*. Do you think the Forces could have been landed ?

Ld. Blakeney. Yes ; I think they might very easily be landed.

Adm. Byng. Was there not some Fascines thrown in the Way ?

Ld.

Ld. *Blakeney*, Yes ; but they were such as I think might easily have been destroyed.

Court. If the Admiral had attempted to land the Men, would it not have been attended with Danger ?

Ld. *Blakeney*. Danger ! most certainly. It could not be so easy as stepping into this Ship. I have been upwards of fifty Years in the Service, and I never knew any Expedition of Consequence carried into Execution, but what was attended with some Danger ; but of all the Expeditions I ever knew, this was certainly the worst.

Adm. *Byng*. Had not the *French* a Castle at the Point, which might have prevented the landing of the Troops ?

Ld. *Blakeney*. Not on the 20th of May ; and the Enemy were then in such great Distress for Ammunition, that they fired Stones at the Garrison.

Adm. *Byng*. Do you think that the Officers and few Men I had on board the Fleet could have been of any great Service to the Garrison ?

Ld. *Blakeney*. Yes, certainly, of very great Service ; for I was obliged, at that Time, to set a great Number of my Men to plaister the Breaches.

The Examination of Ld. Blakeney being ended ; on Friday the 31st of December,

Mr.

Mr. BOYD was sworn.

Court. Did you carry a Letter from my Ld. *Blakeney*, to the Admiral, and when?

Mr. Boyd. My Lord *Blakeney* sent me off with a Letter, in a Boat, to deliver to the Admiral; but I cannot be particular as to the Time: I kept out as long as I thought it probable to reach the Admiral; but when I found it was impracticable for me to close the Admiral, as he was then going to the Southward, I returned without delivering the Letter.

Adm. Ryng. How long did you wait before the Boat was ready to bring you off?

Mr. Boyd. At this Distance of Time I really cannot recollect, but I remember I waited for it till I was very impatient.

Court. Did not you, in the Boat, pass through some Firings of the Enemy?

Mr. Boyd. Yes; there was some stragling Fire of small Arms, and about four or five Cannon Shot.

Court. Did not you receive some Damage from them?

Mr. Boyd. No, I don't know that one of them so much as touch'd the Boat.

Court. How long do you think you was off in the Boat?

Mr. Boyd. I believe it might be about an Hour and Half.

Court.

Court. Was there not at that Time, a Breeze of Wind?

Mr. Boyd. When I got from the Land, I found a Breeze.

Court. Do you think the Admiral could discern your Boat?

Mr. Boyd. No, I believe not at that Distance; especially as it was so late in the Evening.

Mr. BOYD's Examination being finished,

Captain EVERITT appeared;

Who not being present when the Articles of the Charge exhibited against the Admiral, were formerly read, he desired to hear them; which was objected to by Admiral *Byng*, alledging it was contrary to the Custom of the Court; but the Captain still persisting in his requesting it, they were accordingly read.

Captain Everitt being sworn, and the Court observing he had some Papers in his Hand; they asked him the following Questions.

Court. What are those Papers which you have got in your Hand?

Capt. Everitt. They are the Minutes I have taken from the Ships Log-Book, and my own Journal to refresh my Memory.

Adm. Byng. The Log-Book is not a proper

per Testimony, and therefore ought not to be used.

Court. (After some Deliberation.) Our Opinion is, that these Minutes may be used to refresh the Captain's Memory, upon such Points only as fell immediately under his own Observation.

Court. Was there any unnecessary Delay in the Sailing of the Fleet from *St. Helens* to *Gibraltar*, and from thence to *Mabon*?

Capt. Everitt. No; there was all possible Dispatch made.

Court. Were the *Buckingham's* Men healthy?

Capt. Everitt. Very healthy; there being but two Men who were incapable of coming to their Quarters.

Court. What Quantity of Water was there on board the *Buckingham*?

Capt. Everitt. I believe there was about 90 or 100 Tuns.

Court. What Time did you see or discern the Island of *Minorca*?

Capt. Everitt. We got Sight of the Island of *Minorca*, about Six o'Clock in the Morning of the 19th of May.

Court. What was your nearest Distance from *St. Philip's* Castle?

Capt. Everitt. About Eleven or Twelve o'Clock in the Fore-Noon, of the 19th of May, we were about two Leagues distant from *St.*

C

Philip's

Philip's Castle ; and I believe that was the nearest Distance I was to it.

Court. What Time was the *French* Fleet first discovered ?

Capt. Everitt. About Two or Three in the Afternoon of the same Day (the 19th of *May*) the *French* Fleet was seen distinctly, standing to the Westward ; but I cannot pretend to say at what Distance.

Court. How did the *British* Fleet stand at that Time ?

Capt. Everitt. To the S. E. the Wind at S. S. W. moderate fine Weather.

Court. What Time did you see the *French* Fleet preparing for Engagement ?

Capt. Everitt. On the 20th of *May*, about Eight or Nine o'Clock in the Morning.

Court. At what Distance was the *Ramillies* from the *Buckingham*, at the Time of the Engagement ?

Capt. Everitt. I believe about Three or Four Miles.

Court. Could the Admiral and the Rear, come up to the Assistance of the Van, and come to as close an Engagement with the Enemy ?

Capt. Everitt. I am of Opinion that the Admiral's Division might have carried all their Sail and thereby assisted the Van, and prevented

ed them from receiving so much Fire from the Rear of the Enemy.

Court. How many Men was there killed and wounded on board the *Buckingham*?

Capt. Everitt. Three killed, and Seven wounded.

Court. When was the *Buckingham* repaired fit for a second Engagement?

Capt. Everitt. By the 23d of May.

Court to *Adm. Byng.* Do you chose to ask *Capt. Everitt* any Questions?

Adm. Byng. No; I have no Questions to propose at present, but I shall have Occasion to ask him some hereafter, and hope that he may be kept in the Way for that Purpose.

Capt. Everitt to *Adm. Byng.* I should be extremely glad if you could ask those Questions now, because I am under sailing Orders with *Admiral West.*

Adm. Byng. I cannot propose them, Sir, immediately, but I will as soon as possible.

Adm. Byng then acquainted the Court that he was desirous of asking *Lord Blakeney* some Questions; in pursuance of which my Lord was ordered to attend the Court the next Morning about Nine or Ten o'Clock; and the Court was then adjourned 'till that Time.

Saturday the 1st of *January* the Court being sitting, Lord *Blakeney* appeared in Consequence of Admiral *Byng's* Request, about Nine o'Clock in the Morning, when the Admiral proposed the following Question :

Adm. *Byng* to Ld. *Blakeney*. If I had landed the Troops, do you think it could have saved *St. Philip's* from falling into the Hands of the Enemy?

Ld. *Blakeney*. It is impossible for me to pretend to answer that Question with any Certainty ; but really, I am of Opinion, that, if they had been landed, it would have enabled me to hold out the Siege till Sir *Edward Hawke* had come to my Relief.

Then the four First Lieutenants of the *Buckingham*, Admiral *West's* own Ship, were examined, and they all agreed that they did not know of any Impediment to hinder the Admiral and his Division from coming to the Assistance of the Van, which was closely engaged, and raked by the Enemy's Rear as they came up, and that they did not see the Admiral go to a close Engagement with the Enemy, agreeable to his own Signals.

Monday

Monday the 3d of January.

Capt. Everitt was cross-examined.

The Questions and his Answers were as follows.

Court. How many Guns did the Ships in the Van carry?

Capt. Everitt. The Sides of those Ships which were next the *Buckingham*, had Fourteen on the lower Deck, and all the others Thirteen.

Court. What Rate were they?

Capt. Everitt. One a 74 Gun Ship, and Six of 64 Guns each.

Court. If Admiral *Byng* had come to a close Engagement, do you think a complete Victory might have been obtained?

Capt. Everitt. Why, really, I think there was all the Reason in the World to expect it, it being very well known that Admiral *West* beat off Two of the Enemy's Ships, though he had but Five Ships to their Six, and their Metal much heavier.

Court. How was the Wind?

Capt. Everitt. An exceeding fair Gale.

Court. Had you too much or too little?

Capt. Everitt. Neither: Just enough and no more.

Court. What Sail had Admiral *Byng*?

Capt.

Capt. *Everitt*. His lower Courses, Top, and Top-Gallant-Sails full ; but his Main-Sail, Main-Top-Sail and Top-Gallant-Sail, aback.

Court. What Time did you get Sight of the Island of *Minorca*?

Capt. *Everitt*. We got Sight of the Island of *Minorca*, about Six o'Clock in the Morning of the 19th of *May*, and about Eleven in the Forenoon, we were about two Leagues distant from *St. Philip's* Castle ; and I believe we never were any nearer than that ; and about two in the Afternoon of the same Day, the *French* Fleet was distinctly to be seen, standing to the Westward, but I cannot be certain as to the Distance ; and on the 26th of *May*, about Eight o'Clock in the Morning, we saw the *French* Fleet preparing for Engagement.

Court to Adm. *Byng*. Shall you have Occasion to ask Captain *Everitt*, or any of the *Buckingham's* People, any more Questions.

Adm. *Byng*. No ; I believe I shall not.

Capt. *Everitt*, and the Rest of the Officers of the *Buckingham*, were then discharged from any farther Attendance on the Court, and were informed that they might repair on Board their Ship.

The

The Examination of the Officers of the *Buckingham*, being finished,

Captain GILCHRIST was sworn.

Court. How was you stationed in the Fleet ?

Capt. Gilchrist. On the 20th of *May*, I was situated opposite the Real Admiral, to repeat Signals.

Court. Did every Ship bear down at a proper Distance to attack the Enemy ?

Capt. Gilchrist. No; not according to Signals thrown out for that Purpose, by the Admiral, between twelve and one o'Clock; but the Rear Admiral, and his Division, bore down right before the Wind, and hauled up opposite their proper Ships, and attacked the Enemy; except the *Defiance*, which appeared to be rather too much a-head. The Ships in the Rear were in a Line of Battle a-head; upon which the *Defiance* threw all a-back, and fell down upon her proper Ship, the head-moſt Ship of the Enemy.

Court. Did the Admiral bear down before the Wind, upon the Enemy ?

Capt. Gilchrist. No; nor any of his Division.

Court. How was the *French* Fleet situated, at the Time of the Signal for Engaging ?

Capt.

Capt. *Gilchrist*. They were all laying too, with their Main-Top-Sails to the Masts; and our Van was in the same Position.

Court. Did the Admiral ever engage at a proper Distance?

Capt. *Gilchrist*. I cannot pretend to say whether he did or not, on Account of the *Revenge*, *Princess Louisa*, and the *Trident*.

Court. Was the Wind, Weather, and Situation of the Enemy's Fleet, such as to enable them to engage at a proper Distance?

Capt. *Gilchrist*. I believe it was.

Court. Did the Ships in the Rear make all the Sail they could, in order to close with the Enemy, from the Time the Signal was given for Battle 'till the Action was over?

Capt. *Gilchrist*. No; but in the latter Part of the Action, Admiral *Byng*, set all his Sail, except the Top-Gallant-Sails.

Court. Would the Wind and Weather permit him to carry all the Sail in the Ship that he commanded?

Capt. *Gilchrist*. The Wind was such that I could have carried all the Sail in the Ship that I commanded; and I don't know any Reason why he could not do the same.

Court. How long was the Van of our Fleet engaged with the Enemy?

Capt. *Gilchrist*. About an Hour and a Quarter.

Court. Did you see the *Ramillies* Fire?

Capt.

Capt. *Gilchrist*. Yes.

Court. What was the Distance of the Rear Division from the Van?

Capt. *Gilchrist*. The Distance of some of the Rear Division seemed to be about Three Miles.

Court. If the Rear had carried Sail all along, do you think they might have prevented the Enemy's Rear from pouring some of their Fire into the *British* Van?

Capt. *Gilchrist*. I doubt not but they might.

Court. What occasioned so great a Distance between our Rear and Van?

Capt. *Gilchrist*. It was occasioned by our Rear throwing their Top-Sails aback, when they began to Fire.

Captain *Gilchrist*'s Examination being finish'd,

Captain HERVEY of the Phoenix was sworn.

Court. How was you stationed?

Capt. *Hervey*. I was stationed abreast the Admiral to repeat Signals.

Court. What Time was Signal made for the *Deptford* to quit the Line?

Capt. *Hervey*. About forty Minutes after Two.

Court. What Time did the *Ramillies* begin to fire upon the Enemy?

Capt. *Hervey*. About Fifty Minutes after Two ; having before that Time received the Fire of the Three sternmost Ships of the Enemy for about Ten or Twelve Minutes ; in which Time I observ'd some of the Enemy's Shot to fall between the *Ramillies*, and my Ship the *Phoenix*.

Court. What Time did you observe the *Intrepid's* Fore-Top to be lost ?

Capt. *Hervey*. About the same Time that the *Ramillies* began to fire upon the Enemy : I also observed that the rapid Motion of the *Intrepid*, in bearing down, had occasioned her to be raked by the Enemy, to lose her Top-Mast, and run the Risque of falling on board the Admiral, who being then engaged, might not see them Time enough to prevent it. In a short Time after the *Ramillies* ceased Fire, the Eleventh Ship in the Enemy's Line, bore away from the Fire of the *Ramillies*.

Court. How often did the *Culloden* Fire ?

Capt. *Hervey*. She fired but a very few Times, and at a greater Distance than the *Ramillies*.

Court. What Time did the whole Fire cease ?

Capt. *Hervey*. About Five o'Clock in the Afternoon : The Enemy seemed to make off from the Fire of our Van, though some of them were damaged but very little.

On

On *Tuesday* the 14th of *January*, Captain *Hervey* was re-examined from Nine in the Morning 'till near Two in the Afternoon ; and in the Course of this second Examination, he made no material Variation, from the Narrative he had given the Court the Day before : Therefore I shall not trouble the Reader with the Particulars ; it being quite unnecessary ; and such Tautology must be disagreeable.

After the Examination of Captain *Hervey*,
 Captain AMHURST was sworn and examined.

Court. Was there any unnecessary Delay made in the Sailing of the Fleet from *St. Helen's* to *Gibraltar*, and from thence to *Mahon*?

Capt. *Amburst.* No ; there was not.

Court. Could the Admiral and the Rear have come up to the Assistance of the Van, and come to as close an Engagement with the Enemy ?

Capt. *Amburst.* I don't know any Reason why he could not.

Court. As the two Fleets were situated, do you think it was in the Power of the Enemy to decline coming to a close Engagement ?

Capt. *Amburst.* Yes ; I believe it was ; but, as they lay to our Fleet, I imagined they intended to come to an Engagement ?

Court. Was not some of the Ships deficient in Point of Force with the Enemy ?

Capt. Amburst. Yes.

Court. Were not some of the Ships out of Repair ?

Capt. Amburst. Yes.

Court. How did the Admiral behave during the Engagement ?

Capt. Amburst. I cannot pretend to speak positively as to the Admiral's Conduct during the Engagement.

Wednesday the 5th of January,

Mr. *Loyd*, a Lieutenant, was sworn and examined ; but as nothing particular appeared in his Examination, further than has been already noted, it is needless to repeat it.

The same Day Mr. *Philips*, a Volunteer on board the Fleet, but now a Captain, was examined, the Substance of whose Examination was much the same as Mr. *Loyd's*.

Then Captain YOUNG was examined, as follows.

Court. Were any of the Ships in our Rear, in Danger of being on board you, occasioned by the Loss of your Fore-Top-Mast ?

Capt.

Capt. Young. Not as I could perceive.

Court. Do you think it occasioned any Impediment to Admiral *Byng*, and his Division, from going down to engage the Enemy closely ?

Capt. Young. I could not perceive it did.

Court. Did any of the Ships in the Rear tack at that Time ?

Capt. Young. I could not observe just then ; because they were to Windward of me ; and I observed several of the Ships upon my Weather Quarter with their Top-Sails a-back.

Court. Did you think they were in any Danger of being a-board you, at that Time ?

Capt. Young. No ; I believe not : I was to Leeward of them, and therefore could not drive athwart them.

Court. Do you think they could, at that Time, have wore clear of you, and gone down to the Centre and Rear of the Enemy ?

Capt. Young. I believe they could ; because I was a-head, and to Leeward.

Court. Did the Admiral, and his Division, bear down on your Stern, and go to the Centre and Rear of the Enemy ?

Capt. Young. No ; they did not ; when my Top-Mast went away.

Court. Did they afterwards, at any Time ?

Capt. Young. Yes, they did about an Hour after, and went to Leeward of me, and passed me.

Court.

Court. Did they go down to the Centre and Rear to engage properly?

Capt. Young. The *French* were then gone, and left me a-stern.

Court. When the *French* Fleet passed you, what Sail had they?

Capt. Young. To the best of my Remembrance, they had their Top-Sails and Fore-Sails.

Court. What Sail had the Admiral and his Division abroad then?

Capt. Young. Fore-Sails and Stay-Sails.

Court. What Sail had the *Culloden*?

Capt. Young. Her Top-gallant-Sails.

Court. How long was it after you had lost your Top-mast, before the Admiral and his Division passed to leeward of you?

Capt. Young. I believe it might be about three Quarters of an Hour, or an Hour.

Court. Could the Admiral and his Division, as the Wind was then, if they had set all their Sails, from the Time the Signal for engaging was made and borne away properly; could they have come to a close Engagement with the Enemy?

Capt. Young. Yes, they certainly could: The *French* were laying too for us. I went down only under my Top-Sails, and I don't know why they could not have added Sails in Proportion to the Distance and going of their Ships.

Court.

Court. Did you observe what Sail the Admiral and his Division were under, during the three Quarters of an Hour, or an Hour which you just now mentioned?

Capt. Young. No, I did not take any particular Notice.

Court. Did you observe that they made any Motions for going down to the Enemy?

Capt. Young. No, I did not.

Court. After you had lost your Fore-Top-Mast, how long did the Centre and Rear of the *French* Fleet lay too?

Capt. Young. They lay too, until the *Revenge's* Boat came on board me, and desired I would leave off firing, that they might make Sail, and go between me and the Enemy, which they did immediately; and then the *French* Fleet, who were opposite to me, ran, and the Rear followed them.

Court. Did the Admiral and his Division, after they had made Sail, get up with the Centre and Rear of the Enemy, so as to come to a close Engagement?

Capt. Young. After that Time there was but very little Action.

Court. Before the *French* ran, did you see the Admiral and his Division closely engaged with the Enemy?

Capt. Young. No; I did not: They were a-stern, and to windward of me.

Court.

Court. Did you see the Admiral and his Division engaged at all, from first to last?

Capt. Young. Yes ; I saw some of the Ships fire.

Court. Did you take Notice at what Distance they were one from another?

Capt. Young. No ; I did not observe that.

Court. Did you observe any of their Shot fall?

Capt. Young. No ; I was then too much employed to take Notice.

Court. Do you think you was within point-blank-shot of the Enemy ?

Capt. Young. I cannot judge whether I was or not exactly.

Court. What Distance do you imagine you might be from the Enemy at that Time ?

Capt. Young. I believe we were within random Musket Shot, because the Lieutenant was wounded with a Musquet Ball.

Court. How far do you think the Rear were off at that Time ?

Capt. Young. I did not observe.

Court. Did the Admiral and his Division bear down to the Enemy when you did?

Capt. Young. No.

Court. What Sail were the Admiral and his Division under at that Time ?

Capt. Young. Under their Top-sails and Fore-sails.

Court.

Court. Could the Admiral and his Division have closed the Enemy, to have engaged properly, if they had borne down as the *Intrepid* did?

Capt. Young. Yes; for the *French* were laying too.

Court. Supposing the Admiral and his Division had set all their Sails, did they lay too long enough to admit of it?

Capt. Young. Yes, they lay too long enough for me, and I suppose for the rest too.

Court. When the Signal for engaging was made, were our Ships in a proper Line of Battle, a-head of one another?

Capt. Young. Yes; there was a very good Line of Battle.

Court. Had all our Ships bore away at the same Time, would it not have prevented the running aboard each other?

Capt. Young. They were not so near together, but every Ship had Room enough to wear.

The 10th of *January*,

Captain CORNWALL was examined.

In the Course of his Examination, he said, that there was no unnecessary Delay made in the Sailing of the Fleet from St. *Helen's* to *Gibraltar*, and from thence to *Mal-*
E *bon*

bon. “ I went ” says he, “ to my Windows abaft to take a View of the Fleet when in the Line of Battle, and was extremely surprised to fee the Admiral and his Divifion at fo great a Distance upon the Weather Quarter, and feeing the *Intrepid* in great Diffrefs, and no Signal given for removing her out of the Line, I went to her Affiftance, and, after getting her out of the Line, fell into her Station, and engaged the *Foudroyant*, the *French* Admiral, being the Ship which I imagined fell to my Lot in the then Line of Battle.”

He alfo faid, he knew of no Impediment to prevent the Admiral’s engaging at a proper Distance, any more than the reft of the Fleet.

There was Nothing particular in Captain *Cornwall’s* Evidence except the above, further than what has been already faid by feveral of the Evidence. I fhall only add, that he gave his Testimony with great Clearnefs; and behaved like the Gentleman, the Sailor, and the Man of Honour.

Tuesday the 11th of January,

Capt. *Gardiner* of the *Ramillies* was examined.

Court. Were all the Sails of the *Ramillies* fet?

Capt. *Gardiner.* No, they were not.

Court. If the *Ramillies* and the Admiral’s Di-

Division had carried all their Sail, do you think they could have assisted the Van, and have prevented them from receiving so much Fire from the Enemy's Rear?

Capt. *Gardiner*. I do believe they might.

Court. Did you advise the Admiral to bear down?

Capt. *Gardiner*. I did, but the Admiral objected to it, lest an Accident of a similar Nature with that of Admiral *Matthews* on the same Seas, should be the Consequence.

Court. Did the Admiral shew any Signs of Fear or Cowardice?

Capt. *Gardiner*. No, quite the reverse.

Court. Have you any Thing to alledge against the Admiral's personal Behaviour.

Capt. *Gardiner*. No, I have not.

Wednesday the 12th of January,

Lord ROBERT BERTIE was sworn and examined.

Court. Where was you stationed?

Lord *Bertie*. Upon the Quarter Deck with the Admiral.

Court. If the Officers and Recruits that were intended for *Minorca* had been landed, do you think they would have saved Fort *St. Phillips*?

Lord *Bertie*. No, I think they were of greater Service on board the Fleet.

1794

Court. Was you on the Quarter-deck with the Admiral in the Engagement ?

Lord Bertie. Yes ; but upon informing the Admiral that I discovered one of our own Ships through the Smoke upon the Lee-bow of the *Ramillies*, and which Ship I was apprehensive the *Ramillies* would fire into without seeing her, I was detached by the Admiral between Decks to stop Firing.

Court. Did you discover any Signs of Fear or Confusion in the Admiral ?

Lord Bertie. No ; far from it : he expressed an Impatience to engage the Enemy.

Court. How near were you to the Enemy at the Time of the Engagement ?

Lord Bertie. We were so near the Enemy as to be hulled by them, and many of the Enemy's Shot passed over us.

Court. Did you ever hear any Murmurings, or Complaining, by any of the Officers or Men on Board, upon a Supposition that the Admiral had not done his Duty ?

Lord Bertie. No ; I never heard any Thing like it.

Lord Robert Bertie's Examination being finished, Colonel *Smith* who was also upon the Quarter-Deck with the Admiral, was examined next, who confirmed what Lord Robert Bertie had said, in every particular ; and he also added, that a Shot from the Enemy
passed

passed between him and Lord *Robert Bertie*, as they were a-baft the Main-Maft, which took off the Head of a Timber upon the Deck; and went through the Hammocks in the Main Shrouds.

Capt. *Edgar*, who was quartered upon the Poop, confirmed fuch of the above Circumstances as came immediately under his own Observation; but the Court did not ask him any Questions relative to the personal Behaviour of the Admiral, because his Situation could not give him an Opportunity of answering the fame.

Col. *Cornwallis* being fworn, faid, that he was on Board the *Kingston*, that he could give no Account of the Action; that he was very willing to answer any Questions the Court or the Admiral would propofe; but no Questions were asked him.

Capt. *Gough*, the First Lieutenant of the *Ramillies* being fworn, faid, that at the Time when that Signal was made for engaging, the Fleet appeared in a clofe and regular Line: He alfo faid, that two Ships, which he believed to be the *Trident* and *Louisa* were under the Lee-Bow. He could not pofitively fay at what Distance the *Ramillies* might be from the Enemy at the Time of the Signal
for

for engaging, being chiefly at his Quarters; but he believed they were near at Point blank with the Enemy when they began to engage.

Capt. *Bessett*, Second Lieutenant, was examined next, who said, that being quartered upon the Lower-Deck he could not answer to the Distance, nor how long they continued firing; but said, that several of the Enemy's Shot struck the Sides of the *Ramillies*; and one in particular cut one of the Hinges of the Ports close to him, but did not afterwards go through her Sides; but must have done so if it had been properly loaded. He also said, that as the Enemy's Shot reached the *Ramillies*, he doubted not but her Shot reached them also.

Capt. *Welbey*, Third Lieutenant of the *Ramillies*, said, he was quartered upon the Middle Deck, that the *Ramillies* was bearing down when the Signal was made, and that he was ordered to double shot the Guns, because the Admiral did not intend to fire till he came close up with the Enemy. He also confirmed the above Testimony of one or two Ships being on the Lee-Bow. He admitted, that there was a commanding Breeze, and that if all their Sails had been set, they should have been

been closer the Enemy. He also said they were within Half a Mile of the Enemy.

Then Mr. *Clerke*, the Fourth Lieutenant, was called, but he not being present, Mr. *Watersfall*, the Fifth Lieutenant, was examined, who said, as he was quartered on the Lower Deck, he knew not the Distance of the Enemy; but apprehended they were within proper Distance for engaging them. He also said that he received Orders from Lord *Robert Bertie* to cease firing, on Account of the Ship upon the Lee-Bow.

Next Mr. *Hamilton*, Sixth Lieutenant of the *Ramillies*, who was quartered on the Upper Gun-Deck, by the Main-Mast forward, chiefly confirmed the preceding Testimony; and said when the *Ramillies* began to bear down he believed it might be about two Miles Distance, and was about the Distance of Half a Mile when they began to fire. He also said, that through the Smoke, he discovered the *Trident's* red Stern, and Part of her blue Colours and that she was then upon her Lee-Bow very near.

Monday the 12th of January,

Capt. *Durel* was called, whose Examination lasted almost the whole Day, but he deposed

deposed nothing particular, except what has been already noted.

Capt. *Gardiner*, of the *Ramillies*, was again examined, when he made it appear that the Admiral took the whole Command of the Ship from him, and nothing was done the Day of the Engagement but what he ordered.

Capt. *H. Ward*, of the *Culloden*, was examined; who declared that the Shot fell short of him, being to Leeward of the Admiral, and gave it as his Opinion that had the Admiral bore down they might have taken every Ship of the Enemy. After him, several of his Lieutenants were examined who all deposed to the very same Purpose.

Then the Carpenter of the *Intrepid* was asked the following Question, *viz.* Whether he could justify the Defects of the Ship as he had given them in, which answering in the Affirmative, the Court discharged him.

Then the Gunner of the *Ramillies* was examined as to the Powder and Shot expended the Day of the Engagement, who said, 20 Barrels of Powder, and 300 double-headed Shot. The Gunner was very much confused, and said the *Intrepid* was in their Way, and they could

could not bear down : But the Court told him he could not judge of that, being quartered on the Lower Gun-Deck.

The Boatswain said he was in his Duty, and minding his Rigging, but could give no Account of this Matter. And

The Carpenter said, he could not pretend to give any Account, being at his Duty in the Wings.

All the Witnesses being examined, Admiral Byng was called upon to make his Defence, which he did in the Words, or to the Substance following :

“ Gentlemen,

“ **T**HE Articles of the Charge exhibited against me, are of such a Nature, that every Thing which can be supposed interesting to a Man, is concerned in the Event of this Cause. My Character, my Property, and even my Life are at Stake; and I should, indeed, have great Reason to be alarmed, were not I conscious of my Innocence, and fully perswaded of the Justice and Equity of the Court”

“ It is no new Thing, Gentlemen, to be accused : Court Martials have, of late, been

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very frequent. I have been a long Time under the disagreeable Situation of a confined Prisoner, of a Man accused, and consequently condemned by many. No Means, no Artifice has been omitted by my Enemies, to injure my Reputation. However, I will not take up your Time with a Detail of these Matters, but beg Leave to observe, that the Nature of a Sea Service is of complicated, depending on so many Circumstances, and subject to such Variety of Accidents, that for a Commander, even of the greatest Capacity, to provide against all Contingencies, is impossible. But to sit upon a soft Chair and censure; and, after the Event of an Action, to point out how, and by what Means it might have succeeded better, is extremely easy. This Sort of Science requires no other Abilities, than a great deal of Ill-nature, and little Wit. Even those Actions which have been attended with the greatest Success, and reflected the greatest Glory on this Nation, have not escaped the Venom of these malicious Critics; and, perhaps, there never was an Action so compleat, but it might have been better conducted, were it possible to have foreseen all Circumstances attending it. But I confide in the Candour and the Equity of this Court, that my Enemies will be disappointed."

“ I shall now proceed to defend the several Articles of my Charge.”

“ As to the Article exhibited against me, relating to my making any unnecessary Delay in sailing of the Fleet from *St. Helen's* to *Gibraltar*, and from thence to *Mahon*, the Testimonies of the Evidence have, doubtless, sufficiently proved the contrary ; I shall therefore trouble the Court with nothing further on that Head.”

“ As to the other Articles exhibited against me, I hope to make my Innocence appear, by a concise Relation of the whole of my Conduct.”

“ On the 17th of *May* I was joined by his Majesty's Ship the *Phœnix*, off *Majorca*, and got off *Mahon* the 19th. The *Phœnix* confirmed the Intelligence I received before at *Gibraltar*, of the Strength of the *French* Fleet, and of their being at *Mahon*. The *British* Colours were still flying at the Castle of *St. Philip's*, and several Bomb Batteries playing upon it from different Parts : On the West Part of *St. Philip's* we saw *French* Colours flying. I dispatched the *Phœnix*, *Chesterfield*, and *Dolphin* a-head to reconnoitre the Harbour's Mouth, and Captain *Hervey* to en-

deavour to land a Letter for General *Blakeney*, to acquaint him the Fleet was there to his Assistance, though every one thought we could be of no Service to him, as by all Accounts, could we have spared any People, no Place was secured for covering a Landing. The *Phoenix* was also to make the private Signal between Capt. *Harvey* and Capt. *Scrope*; but the Enemy's Fleet appearing to the South East, and the Wind coming off the Land, I was obliged to call those Ships in, before they could get so near the Harbour as to discover what Batteries or Guns might be placed, to prevent our having any Communication with the Castle. Falling little Wind, it was Five before I could form my Line, or distinguish any of the Enemy's Motions, and was unable to judge of their Force more than by their Numbers, which were Seventeen, and Thirteen appeared large."

" At first they stood towards us in a regular Line, and tacked about Seven, in order, as I thought, to endeavour to gain the Wind of us in the Night; so that, being late, I tacked, in order to keep the Weather-Gage of them, and also to make sure of the Land-wind."

" After getting round the small Island, called the *Laire of Mahon*, at Ten in the Morning I was within a League of the Port, but
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on seeing the Enemy's Fleet; I thought it more immediately my Duty to bear away at Eleven, to meet them. This obliged me to recal, with Reason, the three Frigates which I had sent a-head of the Fleet, to reconnoitre the Harbour's Mouth, to land a Letter for General *Blakeney*, to acquaint him the Fleet was arrived to his Assistance, and to know in what Manner it could be of the most effectual Service."

"This Behaviour will, I hope, appear to the Court to be suggested by Prudence, all that could have been attempted in the Space of an Hour, and the most advantageous Step which could have been taken on that Occasion. It proves that I did not depend on the hearsay Evidence which I had received, even from the best Authorities at *Gibraltar*, nor on the united Opinion of every Officer at that Place; but that I was determined to be certified of the true State of the Harbour and Citadel from General *Blakeney* himself, as I knew that Captain *Scroop*, who, together with all the Soldiers and Marines of Mr. *Edgecomb's* Ships, and one hundred Seamen, had been left to reinforce the Garrison, would come off in his Barge, and bring me a just Relation of every Circumstance necessary to be known; and though I mentioned in my Letter of the 25th of May, "That it was the Opinion of all the Sea
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and Land Officers, that they could render no assistance to the Garrison, as no Place was covered for the landing of any Men, *could they have spared any;*" in this I only gave my Opinion agreeable to that of all the other Officers. Their Opinion had no Influence upon my Conduct, and was only meant to signify what might have been the Event, supposing the *French* Fleet had not appeared at that Time."

"So far then I hope it will appear to the Court, that neither Knowledge of my Profession, Prudence in conducting the Expedition, or Duty to my King and Country, appear to be deficient in me."

"My Letter to General *Blakeney*, sent by Mr. *Hervey*, though never delivered, for Reasons immediately to follow, will, I think, evince this Truth."

"My first Care, after coming in Sight of the Port, was to know the true State of the Harbour and Garrison, to encourage the General and the Soldiers, by acquainting him that I was arrived to his Succour, and desiring to know how it might most effectually be put in Execution."

"Thus then I hope all Things will appear to the Court, to be well conducted to the Time
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of the *French* Fleet's appearing in View ; when, on seeing the Enemy, Considerations of another Nature took Place, and it became necessary to defer the Execution of all Resolutions which I had taken since I saw *Mabon*, and to recal the Men of War which I had dispatched to reconnoitre the Harbour, and procure Intelligence from General *Blakeney*. It was now to no Purpose to know the State of the Citadel and Harbour, before I had engaged the *French* Fleet ; I had no Soldiers to land, but what made Part of the Complement of my Ships, and served as Marines ; and if I had been provided with them, it would have been absolutely imprudent to have landed them before the Engagement with the Enemy, and thereby render that Force less, which was already too little for the Intent it ought to have been sent upon. Landing the Troops would have rendered the Fleet unfit for Action, and obliged it to flee before the Enemy. Had I behaved in that Manner, such a preposterous Act could not have failed rendering me justly delinquent, and unequal to the Command I presided in."

" I was very sensible that if Success was the Consequence of engaging the *French*, that I should have it more in my Power to relieve the Citadel, as far as landing the Troops, which served as Marines, could effect it. But I suspected also, and with Reason, that I might probably

bably be rendered unable to keep the Seas, though I obtained the Victory, and therefore prevented from effectually succouring the Citadel."

" So far all I hope will appear to the Court to have been conducted with Knowledge and Prudence."

" Am I deserving of Blame, for not seeking the Enemy in the disabled Condition I was in after the Engagement ?"

" To what Purpose would this second Engagement have been attempted, with a Fleet originally so greatly inferior to the *French*, and now rendered much more so by the Damages received in the late Battle ? A total Defeat, in all Probability, is the Answer of Reason ; and if Monsieur *La Gallissonniere* had sought it, which providentially he did not, it is a reasonable Presumption that the whole *English* Squadron would have perished, or fallen a Prey to the *French* ; since there was no Port to shelter them. Whereas, had I been in the *Mediterranean* before the Arrival of the *French* at *Minorca*, a Defeat on my Side even might have saved the Island : I could have then saved my shattered Remains in *Mahon*, and though conquered at Sea, by Means of the Sailors and Soldiers, have preserved *St. Philip's*, and probably the

the Island. Thus a Defeat of our Fleet, had it been timely sent out, would have done more Service than a Victory after *St. Philip's* was invested."

" It has been the settled Rule of all Generals, That no Commander should ever risque an Engagement, but when there is greater Expectations to gain by a Victory, than to lose by a Defeat."

" When then, from the Inferiority of the *English*, nothing could be reasonably expected but Misfortune and Disgrace ; or if, by the greatest Efforts of good Fortune, Victory should declare for our Fleet, that no Advantage could be drawn from it ; when the Risque of losing the whole Fleet was the Result of an unanimous Council of War ; and the Nation, considering the real State of the *English* and *French* Navies, so little able to sustain a Loss of that Kind ; when *Gibraltar* would have been left defenceless, and fallen of Course to the Enemy ; could the seeking the *French* Admiral, by a Commander who foresaw these probable Consequences, with not only an inferior, but a shattered Fleet, and no other Ships in the *Mediterranean* to reinforce him, have been justified in the Judgment of Men who have studied the Nature of Military Atchievements, or according

ing to the Rules and Observations of ancient and modern Writers on this Head ?”

“ The utmost Advantage could have been but a Prolongation of the Siege, without the least Probability of raising it ; because the Fleet, unable to keep the Seas, must have retreated to *Gibraltar*, the Port of *Mahon* being still commanded by the Enemies Batteries.”

“ Are Commanders then at all Events to show no other Token of Generalship, but what is to be learned from Brutes ? An Excess of Courage only ? And are all who use the superior Attributes of the human Understanding, to be considered as Delinquents in their Duty to their King and Country ? What Commander of common Sense will serve his Country under such discouraging Conditions ; where, unless he fights against all Kinds of Disadvantage, he is to be stigmatised with the eternal Infamy of Cowardice ; and if he does engage his Enemy, and does not succeed against this great Superiority of Force, he is to be deemed a Coward also, and given up to the Rage of the Multitude ? It appeared impracticable to relieve *Mahon*, and probable that *Gibraltar* would be attacked ; and therefore the Determination of proceeding thither, was become the most prudent Decision which could have been made, the most likely to conduce to the Nation’s Service, and a just Resolution of the Council of War.

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“ It is a Matter of Consequence to consider, that though two Fleets may be of equal Number, they may yet be of unequal Force, as it has happened in this Instance: And a sickly Squadron, without Means of providing for the Diseased and Wounded, or recruiting their Seamen and Soldiers, of which, more than a Thousand Sick, which at their Return to *Gibraltar*, were sent to the Hospital, was a Consideration that ought greatly to influence at that Moment, especially when it was evident beyond all Contradiction, that the Enemy possessed every Advantage which I was in want of, having a Power of procuring Recruits of Seamen from the Two Hundred Transports, and Soldiers from the Camp of the Besiegers.”

“ At a Court-Martial, assembled on Board his Majesty's Ship *St: George*, in *Portsmouth* Harbour, upon the 27th of *December*, 1755; and held every Day afterwards (*Sundays* excepted) till the 27th of *January*, 1757, inclusive.”

P R E S E N T,

Vice-Admiral SMITH, President,

Rear-Admiral HOLBOURNE,

Rear-Admiral NORRIS,

Rear-Admiral BRODERICK,

Captain HOLMES,

Captain GEARY,

Captain BOYS,

Captain MOORE,

Captain SIMCOE,
 Captain DOUGLAS,
 Captain BENTLEY,
 Captain KEPPEL, And
 Captain DENNIS.

“ The Court, pursuant to an Order from the Lords Commissioners of the Admiralty, to Vice-Admiral *Smith*, dated *December 14, 1756*, proceeded to enquire into the Conduct of the Hon. *John Byng*, Admiral of the Blue Squadron of his Majesty's Fleet, and to try him upon a Charge, that during the Engagement between his Majesty's Fleet under his Command, and the Fleet of the *French King*, on the 20th of *May* last, he did withdraw, or keep back, and did not do his utmost to take, seize, and destroy the Ships of the *French King*, which it was his Duty to have engaged, and to assist such of his Majesty's Ships as were engaged in Fight with the *French* Ships, which it was his Duty to have assisted; and for that he did not do his utmost to relieve *St. Philip's* Castle, in his Majesty's Island of *Minorca*, then besieged by the Forces of the *French King*, but acted contrary to, and in Breach of his Majesty's Command: And having heard the Evidence, and the Prisoner's Defence, and very maturely and thoroughly considered the same, they are unanimously of Opinion, that he did not do his utmost to relieve *St. Philip's* Castle, and also, that
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during the Engagement between his Majesty's Fleet under his Command, and the Fleet of the *French King* on the 20th of *May* last, he did not do his utmost to take, seize, and destroy, the Ships of the *French King*, which it was his Duty to have engaged, and to assist such of his Majesty's Ships as were engaged in Fight with the *French Ships*, which it was his Duty to have assisted ; and do therefore unanimously agree that he falls under Part of the 12th Article of an Act of Parliament of the 22d Year of his present Majesty, for amending, explaining, and reducing into one Act of Parliament, the Laws relating to the Government of his Majesty's Ships, Vessels, and Forces by Sea ; and as that Article positively prescribes Death, without any Alternative left to the Discretion of the Court, under any Variation of Circumstances, the Court do therefore hereby unanimously adjudge the said Admiral *John Byng* to be shot to Death, at such Time, and on Board such Ship, as the Lords Commissioners of the Admiralty shall direct."

" But as it appears by the Evidence of Lord *Robert Bertie*, Lieut. Col. *Smith*, Capt. *Gardiner*, and other Officers of the Ship, who were near the Person of the Admiral, that they did not perceive any Backwardness in him during the Action, or any Marks of Fear, or Confusion, either from his Countenance, or Behaviour

viour, but that he seemed to give his Orders coolly and distinctly, and did not seem wanting in personal Courage, and from other Circumstances, the Court do not believe that his Misconduct arose either from Cowardice, or Disaffection, and do therefore unanimously think it their Duty, most earnestly to recommend him as a proper Object of Mercy."

The above Sentence was attended with the following earnest Representation.

To the Right Hon. the Lords Commissioners for executing the Office of Lord High Admiral of Great-Britain, &c.

" We the Underwritten, the President and Members of the Court-Martial, assembled for the Trial of Admiral Byng, believe it unnecessary to inform your Lordships, that in the whole Course of this long Trial, we have done our utmost Endeavours to come at Truths, and to do the strictest Justice to our Country and the Prisoner ; but we cannot help laying the Distresses of our Minds before your Lordships on this Occasion, in finding ourselves under a Necessity of condemning a Man to Death, from the great Severity of the 12th Article of War, Part of which he falls under, and which admits of no Mitigation, even if it should be committed by an Error in Judgment only ; and therefore for our own Consciences Sakes, as well

as in Justice to the Prisoner, we pray your Lordships, in the most earnest Manner, to recommend him to his Majesty's Clemency. We are,

My Lords, &c. &c."

*St. George, in Portsmouth
Harbour, Jan. 27, 1757.*

Twelfth Article of War, 13 of Charles II.

" Every Captain, and all other Officers, Mariners and Soldiers of every Ship, Frigate or Vessel of War, that shall in Time of any Fight, or Engagement, withdraw, or keep back, or not come into the Fight and engage, and do his utmost to take, fire, kill, and endamage the Enemy, Pirate, or Rebels, and assist and relieve all and every of his Majesty's Ships, shall, for such Offence of Cowardice or Disaffection, be tried, and suffer Pains of Death, or other Punishments, as the Circumstances of the Offence shall deserve, and the Court-Martial shall judge fit."

Twelfth Article of War, 22 of George II.

" Every Person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall in Time of Action, withdraw or keep back, or not come into the Fight or Engagement, or shall not do his utmost to take or destroy every Ship which it shall be his Duty to engage and

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to assist, and relieve all and every of his Majesty's Ships, or those of his Allies, which it shall be his Duty to assist and relieve, every such Person so offending, and being convicted thereof by the Sentence of a Court Martial, shall suffer **DEATH**."

